

# Module 6

## Workplace Conditions



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# Board of Studies Syllabus Links

## Links to Work Education, Work Studies CEC and Work and the Community Life Skills course

WORK EDUCATION Stage 5		WORK STUDIES CEC Stage 6		WORK AND THE COMMUNITY LIFE SKILLS COURSE Stage 6
Core 3	Introduction to the Workplace	Core 2	Experiencing Work	Not covered
Elective 1	Workplace Induction	Module 4	Equity Issues and Work	
Elective 4	Contemporary Workplace Issues	Module 6	Workplace Issues	
Elective 7	Employment and You	Module 9	Social Issues and Work	

## Links to Industry Curriculum Framework Courses

This module may be used to support the delivery of Stage 6 Industry Curriculum Framework courses. Teachers should use their professional judgement to determine the relevance of the materials to the units of competency being delivered. The materials should be placed in an industry-specific context.





# Contents

<b>6.1</b>	<b>Rights and Responsibilities of Employers and Employees .....</b>	<b>7</b>
	Obligations of the Employer.....	7
	Obligations of the Employee .....	7
<b>6.2</b>	<b>Wages and Conditions .....</b>	<b>10</b>
	Industrial Relations .....	10
	How Wages and Conditions Are Worked Out .....	11
<b>6.3</b>	<b>Trade Unions and Employer Associations .....</b>	<b>17</b>
	Trade Unions .....	17
	Employer Associations.....	18
<b>6.4</b>	<b>Understanding Your Pay .....</b>	<b>20</b>
	Terms .....	20
	Will My Wage Ever Increase? .....	20
	Youth Wages.....	21
	What Else Do I Need to Know? .....	21
<b>6.5</b>	<b>Superannuation.....</b>	<b>24</b>
	What Is Superannuation? .....	24
	The Superannuation Guarantee .....	24
	How Much Superannuation Does an Employer Pay?.....	24
<b>6.6</b>	<b>Leave Entitlements .....</b>	<b>27</b>
	Types of Leave .....	27
	Sick Leave .....	30
<b>6.7</b>	<b>Getting Paid the Right Amount.....</b>	<b>33</b>
	Problems with Pay and Conditions .....	33
	An Employee's Rights.....	35

<b>6.8 Termination of Employment.....</b>	<b>38</b>
Ways of Leaving a Job.....	38
Termination of Employment Diagram.....	40
<b>6.9 Redundancy .....</b>	<b>43</b>
Reasons for Redundancy .....	43
Options after Redundancy .....	43
Australian Industrial Relations Commission Rules .....	44
<b>6.10 Discrimination and the Law .....</b>	<b>46</b>
Types of Discrimination.....	46
What the Law Says .....	47
Equal Employment Opportunity .....	48
What to Do if You Think You Have Been Discriminated Against .....	50
<b>6.11 Workplace Harassment .....</b>	<b>52</b>
Initiation.....	52
Sexual Harassment.....	52
Stopping Harassment .....	54

## 6.1 Rights and Responsibilities of Employers and Employees

Both the employer and employee have rights and obligations in the workplace. It is important for every worker to understand these.

### Obligations of the Employer

An employer must:

- pay award or agreed wages and conditions\*
- keep accurate records; for example, time and wage details as well as sick, annual and long-service leave details\*
- have available a copy of any awards and acts that workers are covered by, for example the Industrial Relations Act\*
- allow an employee to join a trade union\*
- ensure a safe work environment and provide access to injury management and compensation conditions for injured employees
- provide appropriate training and supervision for employees to successfully complete tasks
- not unfairly dismiss an employee\*
- not discriminate against employees\*.



### Obligations of the Employee

An employee must:

- |  |  |
|--|--|
| • be punctual and regular in attendance                          | • be an effective and cooperative team member                                |
| • act responsibly at work  | • work safely and promote the safety of others                               |
| • complete agreed duties as required or directed by the employer | • not discriminate against, or harass, other workers*                        |
| • be willing to do training related to a job                     | • give a fair day's work for a fair day's pay                                |
| • be multi-skilled and show initiative                           | • respect the employer's right to make decisions which affect the workplace. |
| • be able to cope with change                                    |  |
| • be organised   |  |

\* These obligations will be covered in this module.




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## Rights and Responsibilities of Employers and Employees

### A. Obligation

Circle the best answer.

- 1) An *obligation* is:
  - a) something done to help another person
  - b) owing someone a favour
  - c) doing something even though you don't want to
  - d) something that must be done.
  
- 2) We have employer and employee obligations to:
  - a) make it easier to catch someone doing something wrong
  - b) ensure the smooth running of a business, and good work relations
  - c) make everyone at work happier
  - d) stop people from taking unnecessary sick leave.

### B. Whose Obligation?

- 1) Beside each statement, write whether it is an employer or an employee obligation.
  - a) Not unfairly dismissing a worker. \_\_\_\_\_
  - b) Acting responsibly at work. \_\_\_\_\_
  - c) Allowing a worker to join a trade union. \_\_\_\_\_
  - d) Ensuring a safe working environment. \_\_\_\_\_
  - e) Being organised. \_\_\_\_\_

- f) Being punctual and regular in attendance. \_\_\_\_\_
- g) Being an effective and cooperative team member. \_\_\_\_\_
- h) Paying award or agreed wages and conditions. \_\_\_\_\_
- i) Not discriminating against workers. \_\_\_\_\_
- j) Not discriminating against, or harassing, fellow workers. \_\_\_\_\_

2) In your own words, describe what a *right* is.

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3) Now describe what a *responsibility* is.

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4) Why are there rights and responsibilities for all parties in the workplace?

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5) Why might be it important for you to know about both employer *and* employee rights and responsibilities?

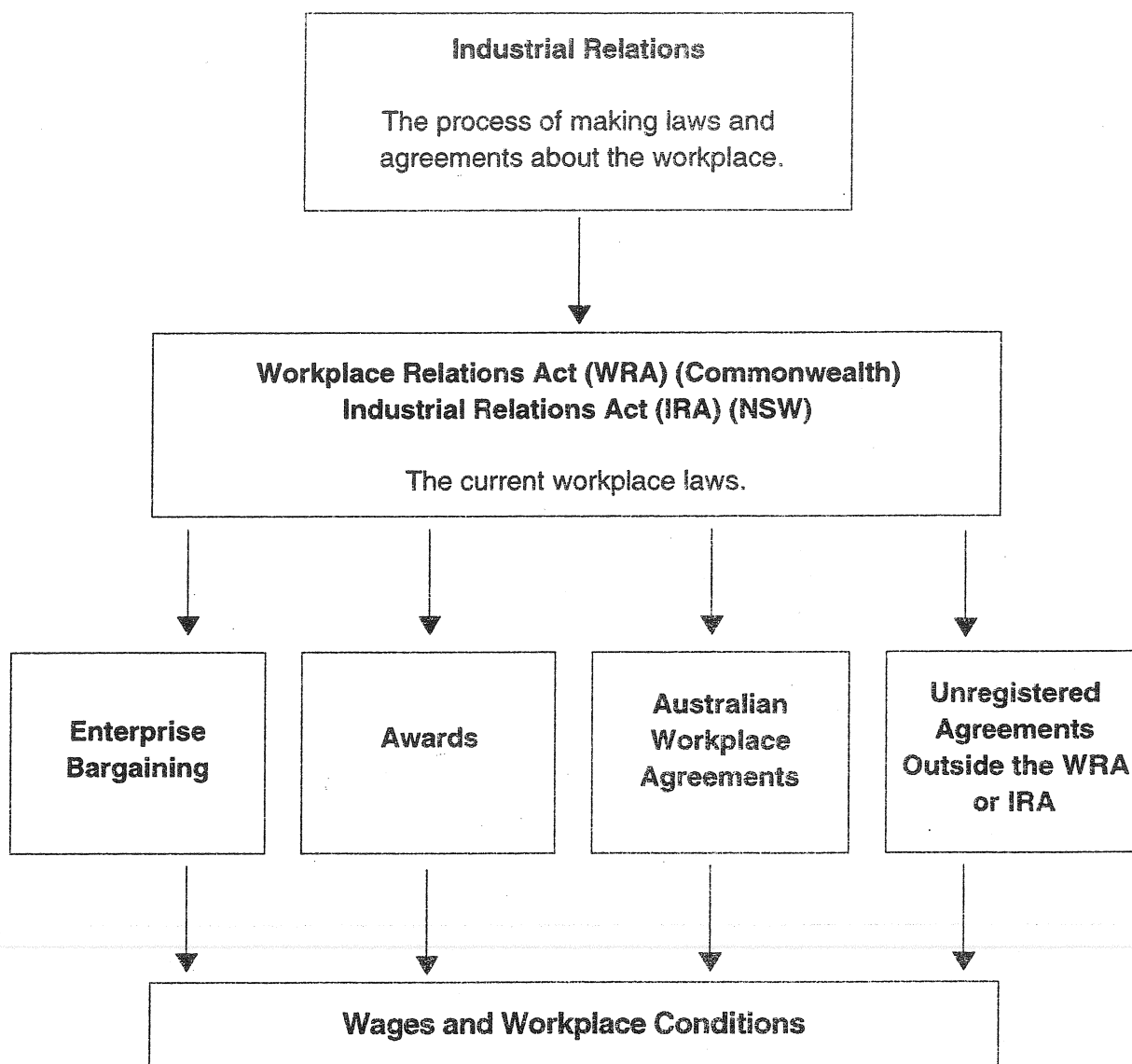
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## 6.2 Wages and Conditions

Deciding what wages and workplace conditions a worker is eligible for is a complex process. This diagram shows the process currently used.



### Industrial Relations

New governments can introduce their own policies on industrial relations. These policies bring new laws and agreements that often alter the rules and conditions of the workplace.

On 1 January 1997, the Federal Government introduced new industrial relations laws through the Workplace Relations Act. This Act applies to workers who are under the federal award system.

## How Wages and Working Conditions Are Worked Out

Wages and working conditions are set in five main ways:

- awards
- Australian workplace agreements
- enterprise agreements
- unregistered agreements
- supported wages system.

### Awards

When an employee commences paid work, they agree to provide labour for an amount of money called a wage. An employee's working conditions will often be set out in an *award*. An award is a document which sets out information about workplace conditions in a job.

Most workers are covered by awards. These are legally binding agreements that set out the minimum wages and conditions of employment.

In NSW, awards are made by the Australian Industrial Relations Commission or the NSW Industrial Tribunal. About four out of every ten workers are covered by federal awards, with five out of ten covered by State awards. This means that one in ten workers may not be covered by an award.

An award is likely to cover:

- |   |  |
|---|--|
| • working hours                             | • sick leave                                 |
| • wages                                     | • other leave (for example, maternity leave) |
| • allowances (e.g. for clothing and travel) | • accident pay                               |
| • overtime                                  | • meal breaks and meal money                 |
| • holidays                                  | • amenities.                                 |

Awards are legally binding on the employee and the employer. An employee can ask their supervisor or union representative about the award for their job. A copy of an employee's award should be available for them to see at work.

The important thing to remember is that awards are protected by law. If an employer isn't paying the right amount, or isn't providing the conditions set down in an award, then they are breaking the law.

## Australian Workplace Agreements (AWAs)

Under the new workplace laws, an employer can offer an individual contract called an *Australian workplace agreement* (AWA), which overrides the working conditions set out in an award or enterprise agreement. This means an employer can offer different pay or leave entitlements. An AWA is regulated by the Workplace Relations Act. AWAs are only for workers covered by Commonwealth awards.

### Employees' Rights in AWAs

Employees:

- are allowed to have someone represent them in negotiating an AWA
- cannot be forced to accept an AWA if their job is covered by an award
- have five days if they are a new employee, or 14 days if they are an existing employee, to consider before signing
- are entitled to check the agreement against their award conditions.



It is illegal for an employer to offer an AWA unless they:

- give information about the Workplace Relations Act and services offered by the Office of the Employment Advocate
- give information on the role of someone who would represent the employee
- make sure the agreement has anti-discrimination provisions
- explain the agreement to the employee and give them time to consider
- offer wages and conditions that are similar to those offered to other people doing the same work.

## Enterprise Bargaining

A recent change to the workplace is *enterprise bargaining*. This is where a group of workers from a business (and usually their union) negotiate with their employer about wages and conditions. Any agreements reached must be checked by the Industrial Relations Commission before being finalised. The Industrial Relations Commission checks to make sure that workers are not disadvantaged by an agreement.

## Unregistered Employment Agreements

Employees who are not covered by awards or registered agreements work under employment contracts. Most salaried employees work under individual contracts. Award conditions are usually covered by individual contracts.



## Supported Wages System

Most people with a disability who get a job are paid award wages, just the same as their co-workers. Sometimes, due to the disability the person has, it is difficult (or impossible) for them to work at the same rate as their co-workers.

Just because a person works at a slower rate, it doesn't mean that they can't have a job in the industry they choose. The *supported wages system* is available to help people with a disability to get and keep a job. First, an assessor (a person who works out how fast someone can work compared to their co-workers in the same job) works out how productive they are. The worker is then paid a wage according to the amount of work that they are able to produce.

For example, if the assessor decides that the worker can produce half the amount of their co-workers, then they will be paid half of the award wage. If a worker on the supported wages system increases their productivity over time, they can be reassessed by the assessor and have their wages adjusted to their new work rate. All other working conditions, such as annual leave and long service leave, are the same as their co-workers'.

## Wage Determination: Some Advantages and Disadvantages of each Method

How wage is determined	Advantages	Disadvantages
Award	Provides a safety net for workers by guaranteeing certain conditions.	Where an area is not covered by an award, an agreement still has to be made between the employer and the employee.
Unregistered agreement	Agreements are public documents. Union representatives are usually involved in the process. Most workers must agree to the conditions in the agreement. An agreement applies to all employees in a workplace.	Not as open to outside scrutiny. May mean that an employee receives much poorer money and conditions than someone else doing similar work.
Enterprise bargaining	Allows individuals to negotiate the best possible wages and conditions.	No real disadvantages. The Industrial Relations Commission makes sure that enterprise agreements do not disadvantage workers.
Australian workplace agreement	Allows an employee to negotiate an attractive package of salary and other benefits (e.g. superannuation, shares, car). Skilled workers can place a higher value on their labour.	Workers' entitlements may decrease. Unions do not support AWAs.
Supported wages system	Helps people with a disability to get and keep a job.	May draw attention to a person's disability, making them feel uncomfortable.




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# Wages and Conditions

## Quiz

How much do you know about wages and conditions in the workplace? Test your knowledge by completing this quiz. Points are awarded for correct answers. See if you are a wages and conditions genius!

1) True or false?

New governments can introduce industrial relations policies which may change the rules and conditions of the workplace. \_\_\_\_\_ (1 point)

2) Explain what a *wage* is. (2 points)

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3) What is an *award*? (2 points)

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4) Which organisations set awards? (2 points)

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5) Around what proportion of workers may not be covered by an award?

\_\_\_\_\_ (1 point)

6) Circle the correct responses.

An award usually covers:

holidays      lunch money      wages      overtime      sick leave

safety      hours of work      cake      travel to work      allowances

soft drink (3 points)

7) What is the name of the individual contract that overrides the conditions of an award? (1 point)

---

8) Who makes sure that individual contracts are fair? (1 point)

---

9) True or false?

a) An employee cannot be forced to accept an individual workplace agreement. \_\_\_\_\_

b) A new employee has seven days to decide if they want to sign an individual workplace agreement. \_\_\_\_\_

c) An employee must do their own negotiating to reach an individual workplace agreement. \_\_\_\_\_

d) An individual workplace agreement could be very different from agreements made by other people who are doing the same work. \_\_\_\_\_

e) An individual workplace agreement must have anti-discrimination provisions. \_\_\_\_\_

(5 points)

10) When a group of workers and their union negotiate with employers about wages and conditions, it is called (1 point)

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11) Why does the Industrial Relations Commission become involved in enterprise bargaining? (2 points)

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12) Choose the *best* answer.

The supported wages system could be best described as:

- a) government rules that set working conditions and wages for people with disabilities
- b) a service helping people with a disability to find a job
- c) a service that ensures that people with a disability are given promotions
- d) a system that ensures that people with a disability are paid a wage according to how much work they do.

(1 point)

Mark /22



### How Did You Go?

- 0–10 Read the information again. Better luck next time!
- 11–15 You have a basic understanding.
- 16–20 Great stuff — there's not much you don't know!
- 21–22 Hello genius! (For this area, anyway ...)

## 6.3 Trade Unions and Employer Associations

### Trade Unions

A trade union is an association of workers in any trade, industry, craft or occupation. Trade unions work to protect and improve workers' wages, hours and conditions of labour.

There are many trade unions. Each trade union is made up of people from many places who work in the same type of work. To join, interested workers need to locate the trade union that covers the industry they work in. A union delegate at the workplace may approach workers to outline the advantages of joining a trade union that applies to them. Employees cannot be forced to join a union, either by their co-workers or their employer. However, many employers prefer their employees to be members of the relevant union. This allows workplace negotiations to be done collectively.

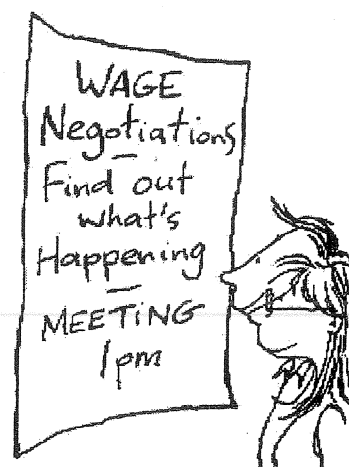
### History

Trade unions began in Australia around the 1850s. One of the hard-won achievements of the early trade unions was the eight-hour working day, which began with the stonemasons in 1856. This landmark is still celebrated in NSW on the October long weekend. The early trade unions also provided an important social role for their members, with some paying sick leave and unemployment benefits.

### Role

Trade unions work for members. They aim to get fair and reasonable wages and working conditions for members. They also provide advice and assistance about awards, and ensure that employers are applying award conditions.

Members pay annual subscriptions, and elect union delegates and officers to act on their behalf. Trade unions hold regular meetings to discuss workplace issues that affect their members. Members can attend these meetings in person or through an elected delegate.



On behalf of their members, trade unions negotiate with employers, employer organisations and governments to set the wages and conditions of work for a wide range of jobs. This work often produces an award or registered agreement which is binding on all parties in that industry or workplace.

Trade unions also offer a wide range of information and advice to their members, such as financial and legal advice, health insurance services and occupational health and safety information.

## Who Can Join?

All employees who wish to join a trade union have a legal right to do so. No one requires their employer's permission to join a trade union. To get information about your rights at work, or to get the workers' voice heard at the highest level of government, it is important to think about joining a union.

### Does a Worker Have to Join?

Joining a union is not compulsory. However, it is very difficult to get a job in some industries if you do not belong to the right trade union, for example the building industry.

## Employer Associations

Employers need to be represented, as well as workers. Employer associations are organised groups of employers who share similar interests and areas of trade. These organisations represent employers' opinions and concerns, and are another way businesses can work together in industrial relations. An example of an employer association is a chamber of commerce.





## ACTIVITY

# Trade Unions and Employer Associations

## About Trade Unions

- 1) Use the boxed words to complete the information on trade unions.

suitable	association	protect	labour	same	wages
places	interested	workers	many	advice	fair

A trade union is an \_\_\_\_\_ of workers in any trade, craft, industry or occupation. Trade unions work to \_\_\_\_\_ and improve workers' \_\_\_\_\_, hours and conditions of \_\_\_\_\_.

As well as ensuring that \_\_\_\_\_ receive \_\_\_\_\_ wages and working conditions, trade unions also provide \_\_\_\_\_, information, various services and assistance to members.

There are \_\_\_\_\_ trade unions. Each trade union is made up of people from many \_\_\_\_\_ who are employed in the \_\_\_\_\_ type of work. To join, \_\_\_\_\_ workers need to locate the trade union that is most \_\_\_\_\_ for the industry they are working in.

- 2) Answer the following questions.

a) Why are there trade unions? \_\_\_\_\_

b) Do you think you would join a trade union?

Yes / No

Why? \_\_\_\_\_

c) Why are there employer associations? \_\_\_\_\_

## 6.4 Understanding Your Pay

### Terms

Some different words are used to talk about the money that a worker gets paid. Three common terms are 'wages', 'pay' and 'salary'.

### Wages

In return for work, the employer pays the employee a *wage*. The wage earned depends on the award, the job and the hours worked.

### Pay

Another word often used for wage is *pay*. When the word 'pay' is used, people may mean the amount they actually get after all deductions are taken out. This is sometimes called the amount 'in the hand'.

### Salary

The word *salary* is often used to describe the amount a person earns in a year. Some jobs pay a yearly salary that is divided into either fortnightly or monthly payments. For example, a person on a salary of \$20 000 per year would be paid \$1666.66 dollars each month, less any deductions such as income tax.

### Will My Wage Ever Increase?

A wage is likely to rise by a small amount for the first couple of years after a young employee starts work. After that, an employee will get a pay rise if:

- there is a pay rise for all workers in that industry, or covered by that award
- they get a higher qualification that is recognised by the employer
- they get promoted to a higher job
- they get a better-paid job with another employer
- the workers enter an enterprise agreement with productivity bonuses and the productivity targets are met.





## Youth Wages

In many jobs, employees under 21 are paid according to their age. The wage increases by a small amount each year on their birthday. This is called a *youth wage*. Unions do not support youth wages.

## What Else Do I Need to Know?

### How Will I Get My Pay?

Employers usually pay their workers on a set day, every week or fortnight. The money is paid either electronically (straight into the employee's bank account) or in cash.

Whether paid electronically or in cash, an employee should get a piece of paper called a *pay slip*. A pay slip shows the money earned in a pay period and any deductions that have been taken out.

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### Important Pay Words

Base wage or salary	The amount earned in a year without any extras such as overtime.
Gross earnings	The money earned in a pay period before deductions are taken out.
Net pay	The money earned after deductions have been taken out.
Penalty rates	Special payments for work outside normal working hours.
Overtime	Extra money paid for working extra hours.
Deductions	Money taken out of gross pay. Deductions can be compulsory (such as taxation) or optional (such as paying private health insurance, union fees or extra superannuation).
Taxation or Income tax	This is money paid to the Federal Government to help run the country. This deduction usually includes the Medicare levy.
Child support	An amount of money that is ordered to be taken out of a non-custodial parent's pay by the Child Support Agency.
Superannuation	Extra money that an employee chooses to invest to support themselves in retirement. This is not the superannuation guarantee that the employer pays.

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## Understanding Your Pay

### A. Pay Words

Use a line to match the words with their definitions.

Word	Definition
Wages	A wage that can be paid to workers under 21.
Pay	The amount a person earns in a year.
Salary	Extra money paid for working extra hours.
Youth wage	Money invested to support workers when they retire.
Gross earnings	Another term for wage.
Deductions	The amount of money earned after deductions have been taken out.
Taxation	The amount of money earned before deductions have been taken out.
Penalty rates	The money earned in return for work.
Overtime	Money paid to the Federal Government to help run the country.
Net pay	Any money taken out of the gross pay.
Superannuation	Special payments for work outside normal working hours.

## B. Pay Slips

Read the following pay slip carefully, then answer the questions below.

Employee Id: <b>1001462</b> Page: 1			
Name: <b>WILSON, FIONA K</b>		Pay Period Ending: <b>18/04/2000</b>	
Pay Method: <b>EFT</b>		Tax Status: <b>Gen Exempt</b>	
Bank Account: <b>Urban Bank/Carinda NSW</b>			
BSB No: <b>771267</b>		Account Number: <b>90680</b>	

---

Payment Details This Pay:			
Amount	Days	Payment Description	Gross Salary
807.70	14.00	<b>Normal Time</b>	<b>\$21 000.00</b>
<hr/>			
807.70	14.00	Total Pay	

---

Deductions This Pay:	
<b>40.00</b>	<b>Superannuation</b>
<b>2.60</b>	<b>Union Fees</b>
<b>50.00</b>	<b>Credit Union</b>
<b>160.40</b>	<b>Income Tax</b>
<hr/>	
<b>273.00</b>	Total Deductions

---

Reconciliation Details:	
This Pay	
<b>807.70</b>	Taxable Gross Income
<b>273.00</b>	Less Total Deductions
<hr/>	
<b>534.70</b>	Equals Net Pay

- 1) What is Fiona's gross salary? \_\_\_\_\_
- 2) How do you know that Fiona is paid every fortnight? \_\_\_\_\_
- 3) How much money does Fiona bring home every fortnight? \_\_\_\_\_
- 4) How much tax does Fiona pay each fortnight? \_\_\_\_\_
- 5) What is Fiona's total fortnightly pay? \_\_\_\_\_
- 6) What is the largest deduction from her wage, other than tax? \_\_\_\_\_
- 7) What is the smallest deduction from her wage? \_\_\_\_\_
- 8) How does Fiona receive her money? \_\_\_\_\_

## 6.5 Superannuation

If you know what superannuation is, you might think it is something that only people of retirement age have to worry about. However, superannuation is important from almost your first day of work.

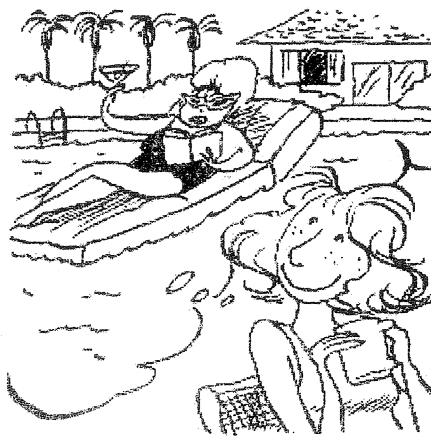
### What Is Superannuation?

Superannuation is money that is invested to support an employee in retirement. This money may be paid by both the employee and the employer. Superannuation that is paid by the employer is called the *superannuation guarantee*. The money is paid into a *superannuation fund*. If an employee changes jobs, their superannuation fund can also be changed to suit the arrangements of the new employer, so that they do not need to keep track of a number of different funds. Superannuation is often called 'super', for short.

### The Superannuation Guarantee

The superannuation guarantee started on 1 July 1992. It requires employers to provide their workers with a minimum level of superannuation. All workers are covered by this guarantee except those who:

- earn less than \$450 a month
- are under 18 and working less than 30 hours per week
- are a member of the Army Reserve
- are employed in domestic or private work for less than 30 hours a week
- are employed outside Australia by a non-resident employer.



### How Much Superannuation Does an Employer Pay?

Employers must pay a percentage of an employee's ordinary-time earnings into a regulated superannuation fund. Ordinary-time earnings include normal wages, leave entitlements and allowances.

The amount an employer has to pay has been increasing since the superannuation guarantee started. During the financial years 2000/01 and 2001/02, the amount will rise from 7% to 8%. It will then rise to 9% by 2002/03.



## ACTIVITY

## Superannuation

**A. The Superannuation Quiz**

Fill in the blanks.

- 1) Superannuation is money that is invested to support an employee when they \_\_\_\_\_.
- 2) This money can be paid by both the employee and their \_\_\_\_\_.
- 3) The superannuation \_\_\_\_\_ started on 1 July 1992.
- 4) Employees who are not covered by this guarantee include people who earn less than \_\_\_\_\_ a month and people under 18 who work less than \_\_\_\_\_ hours a week.
- 5) Employers must pay a \_\_\_\_\_ of an employee's ordinary-time earnings into a regulated superannuation fund.
- 6) Ordinary-time earnings include normal wages, \_\_\_\_\_ entitlements and allowances.
- 7) The percentage paid will gradually \_\_\_\_\_ in the near future.

## B. Find-a-Word

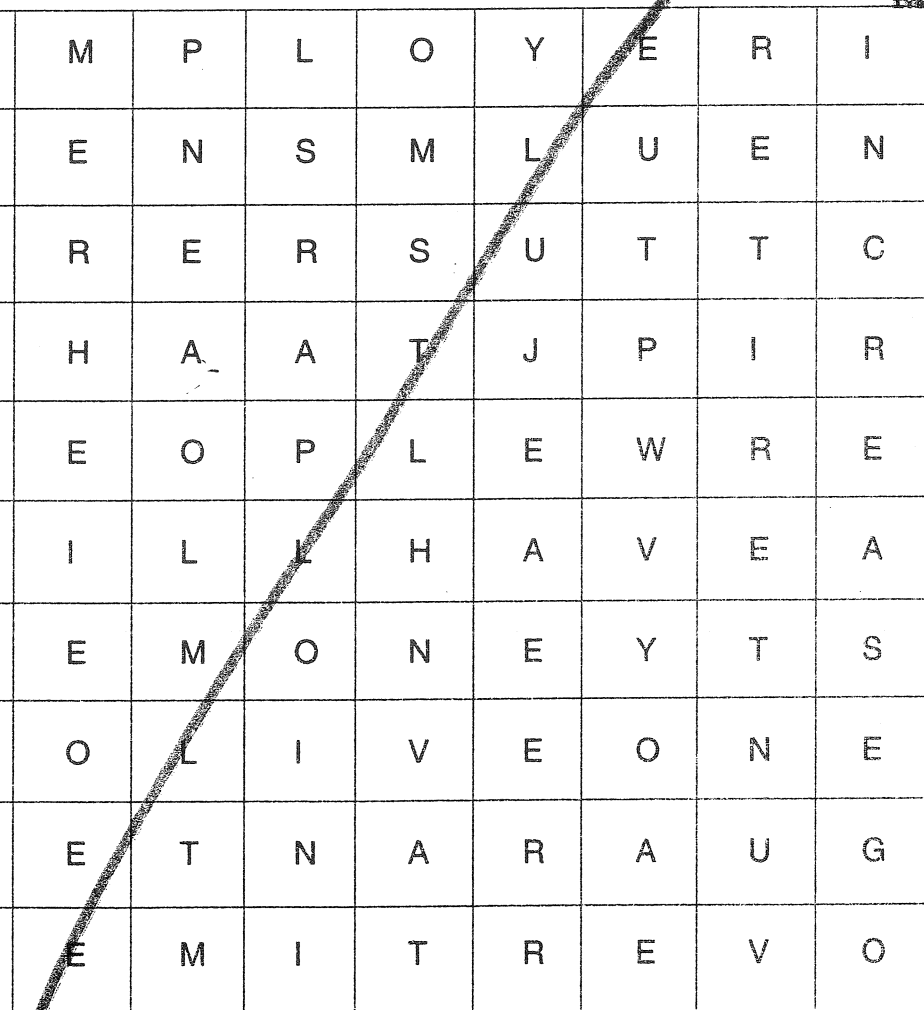
In the grid, highlight the following words:

employer      guarantee

increase      overtime

retire      percentage

July      money



E	M	P	L	O	Y	E	R	I
G	E	N	S	M	L	U	E	N
A	R	E	R	S	U	T	T	C
T	H	A	A	T	J	P	I	R
N	E	O	P	L	E	W	R	E
E	I	L	L	H	A	V	E	A
C	E	M	O	N	E	Y	T	S
R	O	L	I	V	E	O	N	E
E	E	T	N	A	R	A	U	G
P	E	M	I	T	R	E	V	O

## 6.6 Leave Entitlements

### Types of Leave

An employee may be entitled to different forms of leave, depending on where and how they work.

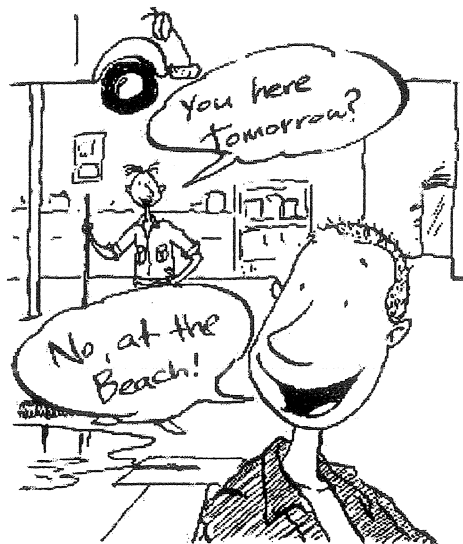
#### Annual Leave

Annual leave is the days off that an employee is entitled to every year if they work part-time or full-time. You may know of these days as 'holidays'. The standard entitlement for a full-time worker (on a 38-hour week) is 20 days. Part-time workers are entitled to annual leave in proportion to the number of hours worked.

#### Sick Leave

Part-time and full-time workers can take paid leave if they are too ill to work. The amount of available sick leave depends on the award. Most awards allow 5–8 days in the first year of employment and 8–10 days in the following years. An employee usually needs a doctor's certificate covering the time they will be away from work.

#### Rostered Days Off



Many awards have rostered days off, where employees who work extra hours can earn a day off. For example, an employee might work an extra half hour every day, and earn every fourth Friday off work.

#### Compassionate or Bereavement Leave

Under most awards, workers are entitled to 2–3 days' paid leave on the death of a family member. This leave can also be used to care for an ill family or household member.

## **Family Leave**

Under most awards, workers can use a combination of sick and bereavement leave to take up to five days' paid family leave each year to care for an ill family or household member.

## **Adoption/Parental Leave**

Women or men may take up to 12 months' unpaid leave upon the birth of a child or the adoption of a child under five. The worker must have been employed for 12 months before the arrival of the child. Only one parent may have leave at a time, except for the week immediately following the birth of a child.

## **Long Service Leave**

Paid long service leave is given to permanent employees after a set period of continuous service with the same employer. In some awards, casual employees may also be able to accumulate long service. The amount of leave varies, but may be something like 2–3 months of leave after ten years of service.

## **Leave in Lieu of Overtime**

Many awards and agreements now allow staff who work overtime to accept leave instead of overtime. The amount of leave depends on the penalty rate the worker is entitled to. For example, if the worker is entitled to double time penalty rates, they should be entitled to two hours of leave for each overtime hour worked.






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 ACTIVITY
 

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## Leave Entitlements

### A. Leave Entitlements: What Are They?

1) In your own words, describe what *leave* is. \_\_\_\_\_

\_\_\_\_\_

2) Now describe what *entitlements* are. \_\_\_\_\_

\_\_\_\_\_

### B. Types of Leave

Each person below has taken leave for some reason. See if you can work out what type of leave it is. Write your answer in the space provided.

1) Sue has taken two weeks off work to go on a holiday to Fiji.

\_\_\_\_\_

2) Charmaine's son has a sore throat and she has stayed home to take care of him.

\_\_\_\_\_

3) Isaac has taken three days' leave after a death in his family.

\_\_\_\_\_

4) Mary has taken two months' leave. She has been working in the same job for 12 years.

\_\_\_\_\_

5) Jacqui has recently had a baby. She plans to be off work for one year.

\_\_\_\_\_

6) Carlos has been off work for three days with the flu.

\_\_\_\_\_

7) Harry has taken a day off after working a lot of extra hours.

\_\_\_\_\_

8) Anita works part-time. She has taken a week off to visit her friend in another State.

\_\_\_\_\_

## Sick Leave

### What It Is For

Paid sick leave is an entitlement available to many employees. The number of days allowed for sick leave can vary. It is only available when an employee is too ill to go to work. It allows an employee to be paid when they are too sick to work. If paid sick leave is part of an employee's agreed working conditions, it is their right to use it if they are sick. If an employee is not eligible for paid sick leave, they can take unpaid leave if they are too sick to work. Sick leave can't be taken when an employee doesn't feel like going to work or has something else to do.

Working conditions usually set out the number of days available each year for sick leave. Some awards allow these days to carry over to the next year if they aren't used.

### What You Must Consider

It is very important to use sick leave wisely. If you wake up feeling ill, you need to think about the following.

#### How Sick Are You?



- Do you need to see a doctor in order to get well?
- Do you have an illness that is contagious (e.g. flu, measles)?
- Will you find it too hard to work?
- If you go to work, is there a chance of you becoming even sicker?

If the answer to any of these questions is yes, you should probably stay at home.

If you are feeling just a little unwell, you should also think about the following:

- Am I able to complete my work today?
- How much sick leave do I have?

The amount of sick leave you have left may affect your decision. If you have already taken most of your sick leave, you will have to consider whether you are sick enough to use up another day. If you do not have sick benefits, or you have used all your sick days, you will need to decide whether you can afford to miss a day's pay.

### **Let the Employer Know that You Are Sick**

Once you decide to stay home from work, you will need to:

- follow your employer's instructions for calling in sick
- tell the employer about any tasks you are working on that must be finished that day.

### **Things to Remember**

- Sick leave should only be used when an employee is too ill or injured to work. Employers look favourably on employees who do not miss too much work due to illness.
- Know how much sick leave you have, and when a doctor's certificate is needed.
- Know the procedure for calling in sick, and follow it.
- Unless you are very sick, telephone personally instead of having a relative or friend do it for you.

### **Returning to Work**

Always report to your supervisor when returning to work after sick leave. If you saw a doctor, you may have been given a medical certificate. This will show the date/s you were sick and what illness you had. Give this certificate to your employer when you return to work. You may also have to fill out an official form that records that you have taken sick leave.




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 ACTIVITY
 

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## Leave Entitlements

### Sick Leave

Circle whether each statement is true or false.

- 1) Employers look favourably on employees who do not take lots of sick leave. True / False
- 2) All sick leave is paid for by the employer. True / False
- 3) You should phone and let the employer know if you are too sick to go to work. True / False
- 4) You always have to have a medical certificate if you miss a day of work due to illness. True / False
- 5) You can have sick leave any time you like. True / False
- 6) The number of sick leave days allowed varies from company to company. True / False
- 7) Doctors will give you a medical certificate whether you are sick or not. True / False
- 8) Sick leave is a good way of getting extra holidays! True / False

How could you find out if you are eligible for paid sick leave at work?

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# Getting Paid the Right Amount

Employees have the right to receive the correct pay, but working out exactly how much should have been earned can be difficult.

Most employers do the right thing. They pay the right wage ... on time.

- Employees should make sure that they find out the correct wage for their job.
- Employers must have a copy of the relevant award displayed in the workplace, and must give employees a pay slip every time they are paid.

## Problems with Pay and Conditions

Over the last century, there has been progress in reducing the risk of harm to people at work so that they are not injured, taken advantage of, treated unjustly or exploited. In spite of these changes, some workers are vulnerable because of the nature and conditions of their work. Other people may be exploited because they:

- don't speak English very well
- are young and inexperienced
- are too poor to have much of a choice.

## Some Special Examples

### Outworkers

Outworkers are people who work in their own homes. They are usually paid according to how many items of work they complete. In Australia, many outworkers work in the textile, clothing and footwear industry. Often, they are unskilled, non-English-speaking migrants who perform long hours of manual labour for very little pay. Outworkers are often in a very vulnerable position because of the nature and conditions of their work. Usually, their work is covered by an award, and they should be paid according to that award. Often, however, they are paid way below the award rate. Many do not complain about this because they are scared of losing work, or do not know about their rights.

### Child Labour

Most people think that childhood is a time to be carefree — a time to learn about and explore our world before the stresses of adult life begin. However, many children around the world are forced to perform low-paid, intensive and dangerous work, and have no opportunity to play or go to school. Child labour is illegal in Australia. Although not very common, it does occur here.

## Unpaid Trial Work

A common way of exploiting young people is to offer them unpaid trial work. This is work that is done free so that an employer can test a person's ability — for example, having someone work one shift in a pub as a try-out. Unpaid trial work is illegal in Australia. It should not be confused with work-experience programs, like those which schools organise. With formal work experience, clear boundaries and goals are set. Unpaid trial workers often don't know the conditions under which they are hired, or how long they will work without pay.

### **'Come in for a few days — it will be good experience.'**

Organised work-experience programs can be very valuable. Watch out for other offers of unpaid work experience, even if they seem like a good idea. Unless you are doing legitimate work experience, you should be paid. If you are unsure, talk to someone who can help you decide.

### **'I want to give you a trial before offering you the job.'**

Most job offers are made after an interview. Some employers like to take people on for a trial period to see whether they can do the job. A good employer will tell you how long the trial will last and pay you a proper wage during the trial period. Be careful if an employer wants to give you a trial without paying you.

### **'Come back again tomorrow ... I still don't know whether you can do the job.'**

Some employers may encourage a person to work for as long as they can without pay. Then they might tell the person that their work is not good enough.

### **'I can't pay you this week — I'll make it up to you next week.'**

This type of employer is likely to come up with another excuse for not paying their employee next week! Good employers pay employees their wages regularly and on time.



### **'You've got the job; I don't need to put it in writing.'**

Most employers give a new employee a letter outlining the conditions of their employment. If you are not given these details in writing, you may find it hard to prove that you were hired to do the job and not just offered the chance for some unpaid work experience.

### **'Salesperson required; no experience necessary.'**

Most salespeople are covered by an award that pays minimum wages. Commissions must exceed this minimum, or the employer is acting illegally. In that case, the employee can demand the payment of the difference.

**You have the right to be paid for the work that you do.**

**Don't let anyone tell you otherwise!**

**Look out for:**

- trial periods on the job without payment
- employers not giving job offers in writing
- employers not paying on time
- jobs which pay only by commission
- work experience which is not recognised or approved.

**An Employee's Rights****To Be Paid for Work Done**

If most of a worker's time is spent on tasks which are covered by an industrial award, they are entitled to be paid the award rate for the job.

**Safe Working Conditions**

Employees are entitled by law to a healthy and safe work environment, even if they are on work experience and not being paid.

**Information on Workplace Conditions**

Contact your union, if a member. To join a union, contact the Labor Council of NSW on 1800 688 919 (free call).

The NSW Department of Industrial Relations can also provide advice and assistance. For information about rates of pay or other workplace entitlements, ring the Award Enquiry Service Centre on 131628.

For any other questions, ring a NSW Department of Industrial Relations Contact Centre on 132005.

For safety advice and information, ring WorkCover NSW on 131050.




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 ACTIVITY
 

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## Getting Paid the Right Amount

### A. Exploitation

Use the boxed words to complete the information on exploitation.

circumstances	happens	Award	paid	pay	trial
WorkCover	employee	safe	rights	issue	union
Industrial	outwork	advantage			

Exploitation \_\_\_\_\_ when a person is taken \_\_\_\_\_ of  
because of their \_\_\_\_\_ in life.

As an \_\_\_\_\_, you are entitled to be \_\_\_\_\_ for the work  
you do, and to work in a \_\_\_\_\_ environment. If you feel that these  
\_\_\_\_\_ are not being met, you can contact your \_\_\_\_\_ or  
ask for assistance from the NSW Department of \_\_\_\_\_ Relations.

For information on rates of \_\_\_\_\_, you can call the \_\_\_\_\_  
Enquiry Service Centre, or if it is a safety \_\_\_\_\_ you could call  
\_\_\_\_\_.

Some examples of exploitation can be \_\_\_\_\_, child labour and unpaid  
\_\_\_\_\_ work.



## B. Case Study

**Discuss this case study with a friend, then write your answers in point form.**

Dai Lo and his family have recently arrived in Australia from Vietnam. They have limited understanding of English.

Dai Lo has started to work for a clothing manufacturing company, making clothes out of his home. He is very glad to have a job, but thinks the wage is very low.

1) What should Dai Lo do?

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2) Who could he contact to check the right wages and conditions for his job?

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3) How should he approach his employer?

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## 6.8 Termination of Employment

### Ways of Leaving a Job

There are two different ways of leaving a job:

- giving notice (started by the employee)
- termination (started by the employer).

### Giving Notice

When an employee gives notice, the contract of employment is voluntarily terminated. This means that the employee leaves a position by their own choice. The employee is required to give notice to the employer, or they may lose pay.

### Termination

Termination of the contract of employment by the employer can be done in the following ways.

#### Instant Dismissal

An employer may instantly dismiss an employee for gross misconduct at the workplace. Examples of gross misconduct may include:

- gross (very obvious) neglect of duties
- chronic (continual) absenteeism.

#### Notice Dismissal

An employer may dismiss an employee by giving appropriate notice or by making payment in lieu of notice.

Notice of dismissal also applies to redundancy or retrenchment. Redundancy or retrenchment is the loss of employment due to the employer no longer requiring the job the employee has been doing.

#### Constructive Dismissal

Constructive dismissal is when an employee is encouraged by the employer to resign.

## Unfair Dismissal

An employee can apply to the Industrial Relations Commission to argue that their dismissal was unfair. An employee has 21 days to bring a claim of unfair dismissal against their employer. An employee may be represented by an agent, for example a union representative, to put forward their case.



There are two kinds of unfair dismissal:

1. **Harsh, unjust or unreasonable dismissal.** If an employee has been dismissed for reasons that do not have to do with company operations (redundancy), conduct (behaviour) or ability (performance), they can claim unfair dismissal.
2. **Unlawful dismissal.** A dismissal is against the law if an employee has been sacked on grounds that are discriminatory (see section 6.10).

## Employer Notice

Most awards specify a period of notice that an employer must give before dismissal becomes effective, for example:

- one week's notice for a full-time worker
- one week's notice for a part-time worker
- one hour's notice for a casual worker.

### Employment Terminated?

Employees who are members of a union should contact the union if they are terminated from a job for any reason.

However, the period of notice should be *reasonable* and will depend on the amount of time the employee has been with the organisation. It may also depend on the status (i.e. position) of the worker. If the employer pays wages equivalent to the notice time, no notice needs to be given.

## Statements and References

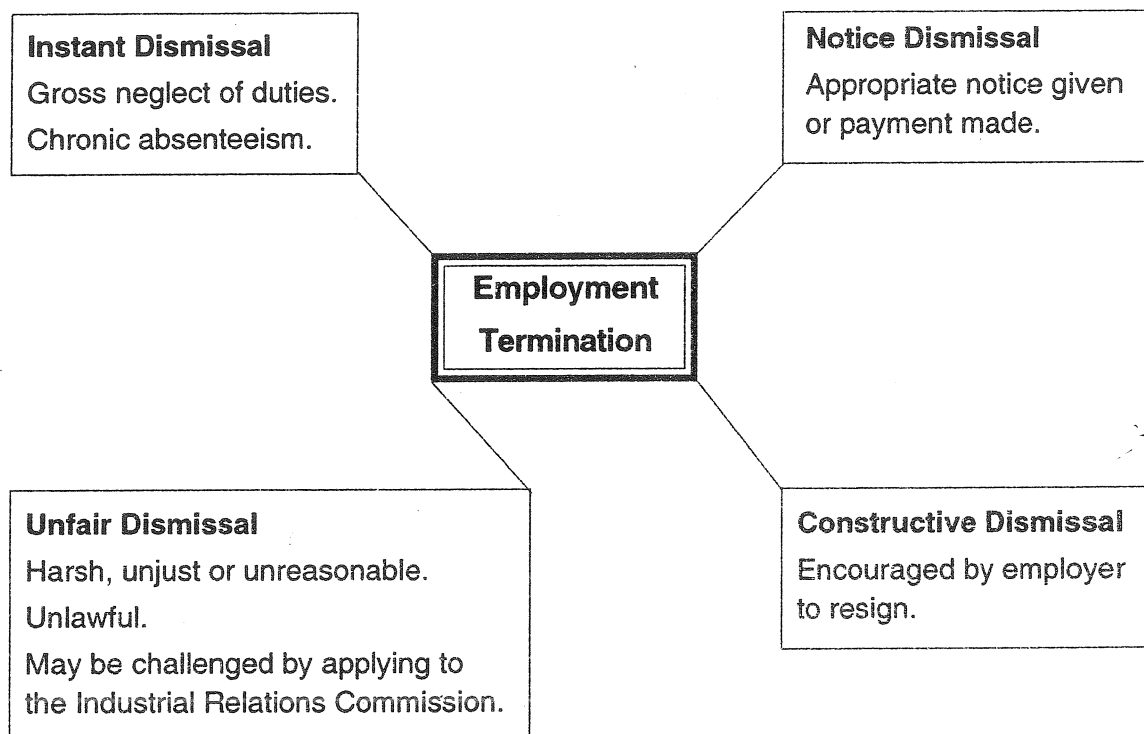
### Statement of Employment

If asked, an employer must give a written statement showing the period of employment, the job classification and the type of work that was carried out. You can ask for a statement of employment verbally or in writing.

## Reference

An employer does not have to give an employee a reference. When leaving a job, an employee may ask their employer to write a reference. Whether the employer agrees may depend on their opinion of that person. Their opinion will definitely influence what they write. If someone has been an excellent employee, it is likely they will receive an excellent reference. If, for example, they arrive late for work nearly every day and do not perform their work tasks well, then a reference (if written) will probably say this. If an employer will not write a reference, the employee could ask the supervisor for a reference.

## Termination of Employment Diagram






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 ACTIVITY
 

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## Termination of Employment

### A. Reasons for Dismissal

Discuss *how* and *why* the following people have been dismissed from their jobs. Write key words in the space provided.

- 1) Elise returned to work after an unexplained absence of three days. It was not the first time she had done this. Her employer dismissed her.

How \_\_\_\_\_

Why \_\_\_\_\_

- 2) The boss seems in a bad mood. Ning accidentally spills the boss's coffee. He then shouts at her that she is fired!

How \_\_\_\_\_

Why \_\_\_\_\_

- 3) Wasim has been warned several times that he is not performing his job to his employer's expectations. He has been given written notice that failure to improve will result in dismissal. He fails to improve, and is dismissed.

How \_\_\_\_\_

Why \_\_\_\_\_

- 4) Diego's new supervisor has dismissed him, giving no reason. Diego knows that this new supervisor prefers Asian workers. None of them have been asked to leave.

How \_\_\_\_\_

Why \_\_\_\_\_

## B. True or False?

Circle whether the following statements are true or false.

- 1) A statement of employment tells how long an employee worked for a company, what position they had and what tasks they performed. **True / False**
- 2) When an employee has been made redundant, they are not allowed to ask the employer for a reference. **True / False**

## C. Case Study

Discuss this case study in pairs, and take notes in the space provided. Be prepared to present your ideas.

Wayne had been in his current job for nine months, when he was dismissed. He was told when he first started that he would be on trial, but he was never told how long this trial period would be. During the nine months, nothing was said to him about the quality of his work. He was not given a reason for being dismissed, other than his employer felt he 'wasn't right' for the position.

Do you think Wayne has been dismissed fairly? Why? Who can Wayne contact about his situation? What action can Wayne take?

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## 6.9 Redundancy

### Reasons for Redundancy

When a permanent employee is made redundant, that person is no longer required by the employer in that job. Many positions have become redundant because machines have taken over the job once done by an employee. Other redundancies occur when a company stops one of its business activities.

### Options after Redundancy

The employer must offer the employee the opportunity to:

- be redeployed
- retrain
- be retrenched
- retire.

### Redeployment

The employee may be located in a similar job in a different part of the organisation.

### Retraining

The employee is retrained in the skills necessary for a different job in the organisation.



### Retrenchment

The employee is given notice to leave the organisation and financial compensation is paid, depending on age and years of service. Retrenchment may occur if a business closes, moves interstate or replaces a job with technology. Often the union will negotiate retrenchment conditions with the employer.

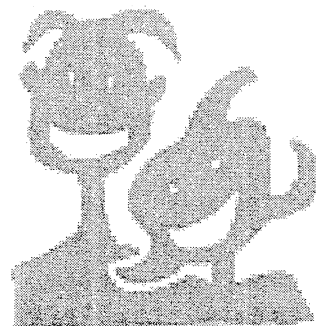
## Retirement

The employee may volunteer to retire or to be made redundant, and will be offered compensation.

## Australian Industrial Relations Commission Rules

Employees are protected by rules set by the Australian Industrial Relations Commission. These rules are part of job awards. For example:

- termination of employment is prohibited on harsh, unjust, unreasonable or discriminatory grounds
- employers of 15 workers or more must consult with employees if technological changes are going to affect them
- notice of redundancy must be given, for example:
  - two weeks for employees with one year's service
  - up to four weeks for employees with five or more years' service
- whatever the cause of the redundancy, a retrenched employee is to receive redundancy payments. For example:
  - four weeks' pay for one year's service
  - up to eight weeks' pay for four or more years of service.








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 ACTIVITY
 

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# Redundancy

## Terms and Rules

1) Unscramble the words in the following passage.

Redundancy can take on many (msrfo) \_\_\_\_\_. Basically, it (amsen) \_\_\_\_\_ that a person is no (oelrgn) \_\_\_\_\_ required by the (lpmereyo) \_\_\_\_\_ in that job.

The employer must offer the employee the opportunity to:

- (errtnia) \_\_\_\_\_
- (itreer) \_\_\_\_\_
- be (eeddeyoplr) \_\_\_\_\_
- be (rcdetnrehe) \_\_\_\_\_

2) Write the words from the list above next to their meanings.

- \_\_\_\_\_ Relocated to a similar job in a different part of the company.
- \_\_\_\_\_ Learn new skills necessary for a different job within the company.
- \_\_\_\_\_ Given notice to leave the company and financially compensated.
- \_\_\_\_\_ Leave the workforce completely.

3) Write whether the following statements are true or false.

- a) Employers with more than 15 workers do not need to consult employees about changes that are going to affect them. \_\_\_\_\_
- b) Employees are protected by rules that are set by the Australian Industrial Relations Commission. \_\_\_\_\_
- c) If an employee has only been working one year, no notice is required before making them redundant. \_\_\_\_\_
- d) Up to four weeks' notice is given to employees with over five years' service in a company. \_\_\_\_\_
- e) All employees get four weeks' pay when they are made redundant. \_\_\_\_\_

## 6.10 Discrimination and the Law

Discrimination means treating someone unfairly or harassing them because they belong to a particular group of people.

### Types of Discrimination

In NSW, it is against the law for an employer to discriminate against a person on the basis of:

- gender
- race
- age
- marital status
- sexual preference
- disability.

This includes discrimination against a person's friends, relatives or co-workers. It covers everything to do with work, for example applying for a job, being at work, or leaving a job.

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If an employee is treated unfairly because:

- |  |   |
|--|---|
| • they are a woman or a man or because they are pregnant or are sexually harassed  | = <b>gender discrimination</b>            |
| • of their race, colour, ethnic background, religion or nationality  | = <b>race discrimination</b>              |
| • people think they are too young, too old or the 'wrong age'  | = <b>age discrimination</b>               |
| • they are single, married, in a de facto relationship, divorced, separated or widowed   | = <b>marital status discrimination</b>    |
| • they are gay or lesbian, or someone thinks they are  | = <b>sexual preference discrimination</b> |
| • they have a disability, had one in the past, or may get one in the future (Disability may include physical, intellectual and psychiatric disabilities, learning and emotional disorders, and organisms which cause disease like HIV, hepatitis.) | = <b>disability discrimination.</b>       |
- 

Being treated unfairly includes rules and policies which disadvantage one group of people more than another, and where that disadvantage is unreasonable.

## What the Law Says

- The NSW *Anti-Discrimination Act 1977* (and its later amendments) is the main law that makes all sorts of discrimination illegal.
- The Act covers everything to do with work, including applying for a job, being at work and leaving a job.
- An employer must do their best to make sure someone is not treated unfairly or harassed by other workers, including their supervisor, in any way covered by discrimination legislation.



### ACTIVITY

## Discrimination and the Law

### Terms and Definitions

- 1) What is the name of the law that protects people from unfair discrimination?

\_\_\_\_\_

- 2) Write a definition of discrimination.

Discrimination is when \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 3) Write the six types of discrimination that are against the law in NSW.

a) \_\_\_\_\_

b) \_\_\_\_\_

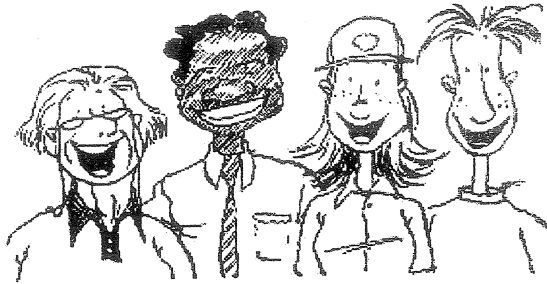
c) \_\_\_\_\_

d) \_\_\_\_\_

e) \_\_\_\_\_

f) \_\_\_\_\_

## Equal Employment Opportunity (EEO)



At each stage in the employment process — from interview through to leaving a job — a person is entitled to equal employment opportunity.

EEO involves identifying and getting rid of things that cause inequality in the employment of any person or group of people. The aim of EEO is to provide disadvantaged people with the same opportunities as other employees.

Any enterprise that employs over 100 staff in Australia must give the Federal Government a copy of its EEO plan.

### The Interview

All applicants at an interview should be treated the same. The questions should relate to the applicant's experience and qualifications. Questions should not be about an applicant's personal life.

The person who gets a job should be the one who is best qualified and experienced.

### Training

After an employee starts work, they should be given equal opportunity to attend staff training courses.

### Promotion

Everyone who has suitable training and/or experience should have an equal opportunity for promotion and salary increases. The person promoted should be the one with the best skills and qualifications for that job.

### Dismissal

If an employee is to be sacked from their job it should not be for unfair reasons (such as being pregnant).




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## Discrimination and the Law

### Equal Employment Opportunity (EEO)

- 1) Use the boxed words to fill the gaps.

people	rid	group	inequality	opportunities	workplace
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EEO in the \_\_\_\_\_ involves identifying and getting  
 \_\_\_\_\_ of things that cause \_\_\_\_\_ in the employment  
 of any person or \_\_\_\_\_ of people. The aim of EEO is to provide  
 disadvantaged \_\_\_\_\_ with the same \_\_\_\_\_ as other  
 employees.

- 2) Who should be selected for employment from a group of interview applicants?

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- 3) The interview is one stage in employment where EEO principles should be used by the employer. What other areas of employment should be based on EEO principles?

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## What to Do if You Think You Have Been Discriminated Against

If you think you have been discriminated against, try to settle the matter with the person or company involved. If your workplace has a staff welfare contact person, ask for their help. If you cannot solve the problem, you should talk to the Anti-Discrimination Board or the Human Rights and Equal Opportunity Commission.

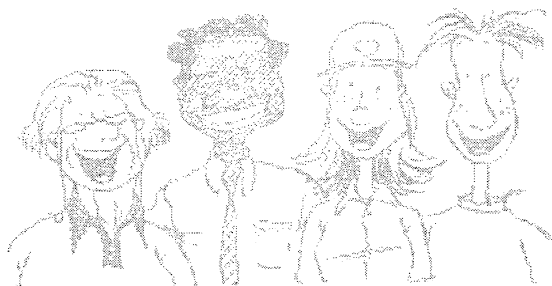
### The Anti-Discrimination Board

The Anti-Discrimination Board is a government body which has been established to administer the Anti-Discrimination Act. It has the power to resolve complaints in a number of ways.

You can telephone the Board or call into their offices and have an informal chat. This might help settle the problem. If not, they will ask for the information in writing. This should be done as a simple letter setting out the problem. If possible, some evidence of the discriminatory behaviour should be included in the letter.

A counsellor from the Board will then interview the people concerned. Often, an interview will settle the matter. However, if nothing is resolved, a conference will be called, involving all parties, where the problem can be discussed at length.

If this step is not successful, the Equal Opportunity Tribunal (an offshoot of the Anti-Discrimination Board) will hold a public inquiry into the dispute. It can call witnesses and hear evidence. It can award money to a person who has been discriminated against, and can make orders. An example of an order might be to give someone their job back.






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## Discrimination and the Law

### Anti-discrimination Bodies

1) Write whether each statement is true or false.

a) You should first talk to someone at work about discrimination problems before contacting the Anti-Discrimination Board. \_\_\_\_\_

b) The Anti-Discrimination Board is run by local councils. \_\_\_\_\_

c) The Equal Opportunity Tribunal can hold a public inquiry into a dispute. \_\_\_\_\_

2) Use the boxed words to fill in the blanks.

Human	Equal	first	have
solved	settle	company	Discrimination

If you think you \_\_\_\_\_ been discriminated against, you  
 \_\_\_\_\_ need to try and \_\_\_\_\_ the matter with the  
 person or \_\_\_\_\_ involved. If it cannot be \_\_\_\_\_ this  
 way, you should contact the Anti- \_\_\_\_\_ Board or the  
 \_\_\_\_\_ Rights and \_\_\_\_\_ Opportunity Commission.

## 6.11 Workplace Harassment

Sometimes in the workplace, people do not treat others with the respect they should.

*Harassment* is the word used to describe negative behaviour towards someone on the basis of difference.

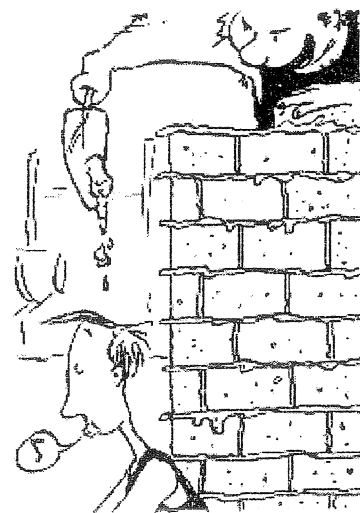
Workplace harassment may include:

- hitting, kicking, pinching or being too physically close
- verbal threats
- teasing
- exclusion (being totally ignored by most other workers)
- sexual harassment.

### Initiation

Apprentices and new workers are sometimes given a difficult time by older workers. This practice is part of a male 'initiation rite' into the workplace. If the new employee can put up with some teasing and practical joking, they are considered to be part of the group. New female employees may be sexually harassed, particularly if they are employed in an area of traditional male employment.

Practical jokes (such as being sent out to buy a 'left-handed hammer') are generally considered harmless. However, many incidents are outside what might be considered 'harmless fun'. Flushing someone's head in a toilet is an example of workplace harassment or bullying.



### Sexual Harassment

Sexual harassment involves behaviour of a sexual or personal nature which is uninvited and unwelcome. Examples of this would be if someone:

- told dirty jokes that you found offensive
- talked about your personal relationships
- kept offensive magazines or pictures where you could see them
- touched you inappropriately
- asked you to have sex with them in return for helping you at work.



Sexual harassment is where someone continually torments and annoys another person with behaviour that has sexual overtones. Both men and women can be victims of sexual harassment. No one has to put up with sexual harassment, or leave their job to escape it.

## Case Study

In January this year, Raffael Galardi became the public face of apprentice initiation and bastardisation in Sydney when his case went before a Sydney court. During 1995, the teenager, then 16 and in his first year as a motor mechanic apprentice at Neil Lennox Automotive in Richmond, was strung up over a rafter by a rope and had methylated spirits poured over his feet and overalls before they were lit. Photos were taken of Galardi hanging and on fire before the flames were extinguished.

On the same day, the clean-cut youngster was also tied to a fence, crucifix-style, given electric shocks and wrapped, cocoon-like, in gaffer tape and abandoned in a shopping trolley on a busy road.

Source: *Good Weekend*, September 1997. Reproduced with permission.



## ACTIVITY

# Workplace Harassment

## Initiation

Write whether each statement is true or false.

- a) People do not have to show respect to a new, young worker. \_\_\_\_\_
- b) Initiation rites are okay so long as no one gets hurt. \_\_\_\_\_
- c) Harassment is something that usually only happens once. \_\_\_\_\_
- d) It is okay to say you will hurt someone as long as you don't do it. \_\_\_\_\_
- e) Men can be victims of sexual harassment at work. \_\_\_\_\_
- f) It's okay to tell dirty jokes at work any time, as long as they are funny. \_\_\_\_\_
- g) If you don't say anything, people will soon stop harassing you. \_\_\_\_\_

## Stopping Harassment

### What to Do

If you experience harassment at work, you should tell the person (or people) responsible that their behaviour is unacceptable, and ask them to stop. If they do not stop, explain the problem to your immediate supervisor. If the problem remains, seek help from another senior person in the workplace, your union or the Anti-Discrimination Board.

Sometimes people will be genuinely attracted to you, and ask you out. This is not sexual harassment. You can accept or turn down their invitation. Their behaviour is only harassment if they continue to pester you after you have firmly refused their invitations.

### Sexual Harassment Action Plan



- Tell the harasser to stop.
- Tell someone you can trust about what is happening.
- Try to keep a written record of what the harasser has done, either by yourself or with the help of someone you trust.
- Learn about the sexual harassment policy at work. Follow the procedure exactly. If the harasser does not stop, you may have to talk to your supervisor.
- If your supervisor is the harasser, talk to *their* supervisor.
- If you have followed the company's procedure on stopping sexual harassment and it still has not stopped, contact your union or the Anti-Discrimination Board.



## ACTIVITY

## Workplace Harassment

## A. Stopping Harassment

Use the boxed words to fill the gaps.

seek	kind	Anti	responsible
unacceptable	senior	changes	supervisor

If you experience any \_\_\_\_\_ of harassment, you need to tell the person \_\_\_\_\_ that their behaviour is \_\_\_\_\_. If nothing \_\_\_\_\_, go to this person's \_\_\_\_\_. If the problem continues, you need to \_\_\_\_\_ help from another \_\_\_\_\_ person in the workplace, your union or the \_\_\_\_\_ -Discrimination Board.

## B. Discussion: Is This Harassment?

Read the following examples and decide whether they describe sexual harassment. You can take notes as you talk. Be ready to give reasons for your decisions. If it *is* a case of sexual harassment, what could the victim do?

- 1) Mandy has been asked out to dinner by Adam, her supervisor. She agrees, as she quite likes Adam.

Is this a case of sexual harassment? Why or why not?

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- 2) Lena thinks Danny is really cute. She is always following him around and whistling at him. He has made it clear to Lena that he doesn't appreciate the attention; he's married with children and isn't interested in Lena at all.

Is this a case of sexual harassment? Why or why not?

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- 3) Ahmed has promised Trish a promotion if she goes out with him.

Is this a case of sexual harassment? Why or why not?

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- 4) Krystal is sick of the men in the office commenting on her large breasts. She's even had guys ask her if they can touch them.

Is this a case of sexual harassment? Why or why not?

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- 5) Evan is always telling jokes. Sometimes they are rude, but he always warns people before he tells any risky jokes. Most people don't seem to mind; everyone has a bit of a giggle.

Is this a case of sexual harassment? Why or why not?

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- 6) Alison is the office worker for a busy auto mechanic. In the office is a 'girlie' calendar with scantily clad girls draped over cars. Alison doesn't like this calendar at all, but the mechanics and the boss like it and want it to stay.

Is this a case of sexual harassment? Why or why not?

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## How to Avoid Sexually Harassing a Co-worker

- If you are a supervisor, be very careful when trying to start a romantic relationship with an employee who you are supervising. It is strongly suggested that you do not engage in close relationships with a co-worker.
- Do not use offensive language at work.
- Do not tell dirty jokes at work.
- Do not bring sexually related items (pornographic magazines, gag gifts, lingerie etc) to work.
- Handshakes are okay, but avoid other physical touch, as it could be considered harassment.
- If someone tells you that you have just done something that bothered them, stop that behaviour immediately.



## Making False Accusations against a Co-worker

Accusing a co-worker or supervisor of sexual harassment is very serious. Sexual harassment is against the law and can cause a person to be charged with a crime, and possibly gaoled.

Before making such accusations, you should be very sure about your facts. You should feel, in all truth and honesty, that the person you are accusing has a case to answer.

Whether it is proven true or not, accusing a person of inappropriate sexual behaviour will make their co-workers, friends and family feel differently about them. It can affect a person's job, and even their career, as well as their home life. Some people may be left with some doubt about the person's character, even if they are innocent.

If you believe that you are being sexually harassed then take the correct steps to stop the behaviour.

If you are uncomfortable with the way someone is treating you at work but are not sure whether it is sexual harassment, talk to someone you trust, like a family member or friend. Remember that when you feel very emotional about something, your judgement may be distorted. Talking to someone you trust may help you to see things more clearly.

If you are in conflict with a person at work, and you think that accusing them of something they didn't do is a way of 'evening the score' or 'getting back at them', then *you* will be the person who will be looked upon as untrustworthy. *Your* job, career and family life will be affected, because you may earn a reputation as someone who falsely accuses others.




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 ACTIVITY
 

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## Workplace Harassment

### What Would You Do?

For each scenario, think about what you would do. Talk about it in pairs, then share your ideas with the class.

- 1) Helena has been working in her present job for three years and she has never had any problems. However, she has noticed that the new worker, Rachel, who is young and very shy, is having some difficulty settling in. Rachel doesn't seem to appreciate the attentions of a certain male member of staff, but he tries his luck with all the new women.

What should Helena do? \_\_\_\_\_

\_\_\_\_\_

- 2) Manase recently went for a job interview. He felt the interview went well, and he had the qualifications and experience to do the work required. However, he didn't get the job. He overheard a member of staff saying: 'He won't get the job ... you know what the boss is like about dark people.' Manase noticed that there didn't seem to be any people with dark skin in the office. Manase is Tongan.

What should Manase do? \_\_\_\_\_

\_\_\_\_\_

- 3) Tatyana applies for a job as an apprentice mechanic. The owner of the business tells her to forget it, and to go and do a secretarial course.

What should Tatyana do? \_\_\_\_\_

\_\_\_\_\_

- 4) Wilson is an apprentice mechanic. Every day he goes into work, some funny trick is played on him by his fellow workers — all fairly harmless. The latest trick, though, resulted in Wilson being locked inside a small cupboard for over 20 minutes. When he was finally released from the cupboard, he was gasping for breath and in a slight panic.

What should Wilson do? \_\_\_\_\_

\_\_\_\_\_